

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ZAFAR IQBAL,

Plaintiff,

-against-

ORDER

12 CV 3067 (DRH) (GRB)

BHINDA MULTANI, ATIF SYED,
MONIZA SYED, KHURRAM SYED,
BBQ NITE AND FRIED CHICKEN,
BBQ NITE RESTAURANT, MEHRAN
GRILL,

Defendants.

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HURLEY, Senior District Judge:

Zafar Iqbal commenced this action against his former employers, BBQ Nite Restaurant, BBQ Nite Fried Chicken, Mehran Grill, Atif Syed, Khurram Syed, Bhinda Multani (“Multani”), and Moniza Syed for unpaid wages, minimum wage violations, and overtime wages under the Fair Labor Standards Act (“FLSA”) and the New York State Labor Law (“NYLL”).

On October 9, 2012, plaintiff filed a motion for default judgment as to the four individual defendants. After the defendants’ default was noted by the Clerk of Court pursuant to Federal Rule of Civil Procedure (“Rule”) 55(a), plaintiffs moved for entry of a default judgment under Rule 55(b). On October 25, 2012, this motion was referred to United States Magistrate Judge Gary R. Brown to issue a Report and Recommendation as to whether plaintiff has demonstrated that the allegations in the Complaint establish the individual defendants’ liability such that the motion for default judgment should be granted, and if so, to determine the appropriate amount of damages, costs, and/or fees, if any, to be awarded. Subsequently, Atif Syed and Khurram Syed submitted *pro se* answers denying the allegations in the complaint, and Atif Syed made an appearance at the initial conference before Judge Brown. (*See* Docket Nos. 27, 28, 31.)

On August 28, 2013, Judge Brown issued a Report and Recommendation finding that good cause exists to set aside the default as to Atif Syed and Khurram Syed but recommending that default judgment be entered against Multani and Moniza Syed. Judge Brown also recommended that the calculation of damages with respect to Multani and Moniza Syed be deferred until the case is resolved as to all defendants. More than fourteen days have elapsed since service of the Report and Recommendation. No party has filed any objections.

Pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Therefore, the Court adopts the August 21, 2012 Report and Recommendation of Judge Brown as if set forth herein. Accordingly, the Court hereby grants plaintiff's motion for default judgment with respect to Bhinda Multani and Moniza Syed as to the issue of liability. A calculation of damages is deferred until the case is resolved as to all defendants.

SO ORDERED.

Dated: Central Islip, New York
September 20, 2013

_____/s/
Denis R. Hurley
United States District Judge